

EXHIBIT 117-B
Redacted Version of
Document Sought to be Sealed



March 1, 2021

VIA E-MAIL

Deborah L. Stein
Gibson Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
dstein@gibsondunn.com

Russell H. Falconer
Gibson Dunn & Crutcher LLP
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
rfalconer@gibsondunn.com

Martie Kutscher Clark
Gibson Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
mkutscherclark@gibsondunn.com

Laura C. Mumm
Gibson Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166-0193
lmumm@gibsondunn.com

Re: *In re Facebook, Inc. Consumer Privacy User Profile*,
Northern District of California Case No. 3:18-md-02843-VC

Dear Counsel:

Plaintiffs write pursuant to the April 1, 2020 Stipulation and Order on Discovery Dispute Resolution Procedures (Dkt. No. 393) to request that the parties meet and confer regarding Facebook's failure to produce all data and information in Facebook's possession relating to the Named Plaintiffs in this action.

First, in the data deposition of Facebook conducted on February 23, 2020, the Company testified that Facebook obtains data from third parties about users' off-platform activity that is *not* included in data downloaded from the DYI tool. For example, [REDACTED]

[REDACTED] Papamiltiadis Dep. at 98:21-24. Facebook also testified that certain [REDACTED]

[REDACTED]. *Id.* at 140:16-19, 141:21-143:17. Facebook further testified that [REDACTED]

[REDACTED] *Id.* at 38:11-39:14. Additionally, [REDACTED] *e.g.*, FB-CA-MDL-01434884; FB-CA-MDL-01434885.

Given Facebook's testimony and representations, Plaintiffs renew their request that Facebook supplement their production of all data and information relating to the Named

Gibson Dunn & Crutcher LLP
March 1, 2021
Page 2

KELLER ROHRBACK L.L.P.
BLEICHMAR FONTI & AULD LLP

Plaintiffs as required by Discovery Order No. 9. Please produce these documents no later than April 1, 2021.

Second, consistent with Schedule B of Plaintiffs' Amended 30(b)(6) Notice, prior email correspondence before the depositions, requests during meet and confers before the depositions, and requests during the depositions on Feb. 23 and Feb. 24, Plaintiffs renew their request for all materials each designee reviewed in preparation for the depositions. *See, e.g.*, Schedule B ("All documents which deponent has consulted or reviewed or plans to consult in preparation for his or her deposition and has relied upon or will rely upon for testimony on the above deposition topic."); *see also* Feb. 11, 2011 email from D. Ko to Facebook (identifying case law requiring party designating 30(b)(6) witness to produce documents reviewed by designee in preparation for the deposition *prior* to the deposition). Both deponents testified that they reviewed documents in advance of the depositions.

For example, during the monetization deposition, Facebook's designee testified that she prepared notes and conducted Facebook Workplace chats with other Facebook employees in preparation for her deposition, and consulted and relied on both in responding to questions during the deposition. *See, e.g.*, Lee Tr. 21:23-22:3; 36:16-37:2; 214:17-215:22. Plaintiffs also request that these materials be produced immediately.

Finally, at 7:15 p.m. on the eve of the monetization deposition, Facebook produced to Plaintiffs a document prepared by Facebook's finance team reflecting Facebook's revenue by channel from 2012-2017, as well as definitions for each revenue channel. This document contains responsive information to Plaintiffs' second requests for production Nos. 14-17 and is the type of basic financial information of the company Plaintiffs have requested for nearly 15 months. Plaintiffs reiterate their request that Facebook produce this information for the entire class period, January 1, 2007 to present.

Regards,



Derek W. Loeser
dloeser@kellerrohrback.com



Lesley E. Weaver
lweaver@bfalaw.com